

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000697

International filing date (day/month/year)
21.01.2005

Priority date (day/month/year)
22.01.2004

International Patent Classification (IPC) or both national classification and IPC
C09D7/12, C09D5/02

Applicant
AKZO NOBEL N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

22-1-2004
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22-11-2005

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2

Authorized Officer

Matthiissen, J.-J.



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating there has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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PCT/EP2005/000697

Box No. V Reasoned statement under Rule 43b/is.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

The following document D1, cited in the application, is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 2003/180466 A1 (JENSEN JOHN MICHAEL ET AL) 25 September 2003
(2003-09-25)

1 Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-18 is not new in the sense of Article 33(2) PCT.

A claim defining a product for a particular use e.g. blocking of stains, is to be construed as meaning a product which is in fact suitable for the stated use. A known product which prima facie is the same as the product defined in the claim and is in the form in which it is in fact suitable for the stated use is novelty destroying for the subject matter of said claim (PCT Guidelines Part II, 5.21).

Claims 1-18: Document D1 discloses a clear aqueous coating composition with anti-soil and anti-spotting properties comprising > 10 % wt. hydrotalcite nano size clay (§0019; 0044; 0052 and 0078), a dispersants (§0087), a surfactant, a PU resin (§0263 and example 1) and optional additives (§0197). The coating can be used on unclean and stained surfaces (§0091). In the case where the substrate is chosen from wood, water extractable agents are present in the substrate, as such the method of claim 10, the coated substrate of claim 13 and the use of claim 15 are anticipated in D1 (§0040). Therefore, the subject matter of claims 1-18 is not novel in view of D1.

Re Item VIII

Claim 8: The addition of the percentages of the individual coating components surpasses 100 % wt. when the amount of the water borne organic binder is chosen at 100% wt.

Claim 9 is formulated as a product claim, in the current form it does not contain any additional subject matter over claim 1 and is therefore redundant.

Claims 3 and 17: The attention of the applicant is drawn to the fact that the term "optionally" in claims 3 and 17, has no limiting affect on the scope of the claim, that is to say, the feature following said term is to be regarded as entirely optional (Guidelines C-III, 4.6).